

*Remarks*

Upon entry of the foregoing amendment, claims 1-10, 12-21, 23-31, and 33-315 are pending in the application, with claims 1, 2, 3, 36, 38, 43, 47, 49, 271, and 311-315 being the independent claims. Claims 1, 3, 5, 7, 10, 12-14, 16-18, 21, 25-28, 31, 35-39, 43, 45, 47, and 49 are sought to be amended, claims 11, 22, and 32 are sought to be cancelled, and claims 51-315 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and that they be withdrawn.

In paragraphs 4-9 of the Office Action, the Examiner has rejected the claims under 35 U.S.C. 103(a) based on U.S. Patent No. 6,141,666 to Tobin (hereafter "Tobin"); U.S. Patent No. 5,710,889 to Clark (hereafter "Clark"); U.S. Patent No. 5,787,403 to Randle (hereafter "Randle"); and U.S. Patent No. 5,852,811 to Atkins (hereafter "Atkins"). Applicant respectfully traverses these rejections.

At the outset, Applicant notes that the Examiner's comments in paragraphs 4-9 of the Office Action appeared to be directed to the claims as they stood prior to amendment in the Reply filed October 21, 2002. For example, in paragraph 6 of the Office Action, the Examiner referred to "unique label," "response option information," and "automated reply generation system," even though these elements were deleted from the claims in the Reply filed October 21, 2002. The Examiner is respectfully requested to contact the undersigned if, for any reason, the amendments filed in either the prior Reply or the instant Reply have not been entered by the Examiner.

*Overview of the Claimed Invention*

It might be useful to consider the following overview of the invention (the following actually describes a number of embodiments of the invention).

Briefly stated, the invention is directed to automated systems and methods for conversing with customers (including existing, new, and potential customers). Such conversation is performed for the purpose of selling financial products and/or services to the customers. Generally speaking, the invention is directed to conversational threads having the following sequence:

Communication

Response

Reply

\*

\*

\*

This Communication-Response-Reply sequence is illustrated via the following example. First, the customer reads a "communication." Depending on the nature of the communication, the customer might instead view or listen to the communication. The communication is related to one or more financial products or services.

Second, the customer sends a "response" to the system. The response could include, for example, a request for additional information.

Third, the system sends a "reply" to the customer. The reply includes an offer for a financial service and/or financial product, and/or information requested in the corresponding response. The reply is customized to the customer, based on the information contained in the customer's response or information contained in a record associated with the customer, for example.

The invention customizes the reply to the customer for a number of reasons. From a general point of view, not all financial products/services are applicable to all consumers, or vice versa. Often, there are any number of factors to consider, such as the needs of the consumer, the suitability of a financial product or service for a given customer, the resources of the consumer, the types of financial products/services available, pertinent government regulations, etc. Generally speaking, the invention customizes the reply to the consumer, in one aspect to better tailor the offered financial

product or service to the consumer. There are a number of levels of such customization, taking into consideration combinations of these factors and/or other factors, and a variety of different levels are reflected in the claims. Generally, however, such customization enables consumers to make a more informed decision on whether or not to purchase the offered financial product or service, and/or increases the chances that consumers will purchase the offered financial products or services..

The invention envisions any number of responses (from the customer to the system) and replies (from the system to the customer) during the Communication-Response-Reply sequence. Such "conversation" achieved by the invention is analogous to the back-and-forth that takes place between a sales person and a customer, as the sales person attempts to sell a financial product or service to the customer. As recognized by the inventor, such back-and-forth with the customer is very important when selling financial products and financial services. Accordingly, the inventor included in the invention this conversational feature. Having provided this general, high-level overview of the invention, we now discuss the differences between the claims and the references cited by the Examiner.

### ***Differences Between the Claimed Invention and Tobin***

Tobin appears to teach an Internet portal from which a user can navigate to web sites selling various products. Unlike the claimed invention, Tobin is not directed to the marketing of financial products or financial services.

When the user clicks on a link presented on a host web page, the user is linked to the web page of a participating company. For example, FIG. 11B of Tobin shows the host web page of "Pathfinder." When the user clicks on the "PC Flowers & Gifts" button 11B3, the user is linked to a PC Flowers & Gifts web page (FIG. 11C of Tobin), who is a participating company.

Tobin teaches customizing the participating company's web site with the brand (name or logo) of the host and/or the brand of the participating company. In FIG. 11C, the web page is customized with the brand of the host (Pathfinder) and the brand of the participating company (PC Flowers & Gifts). See reference number 1116' of FIG. 11C.

This interpretation of Tobin is supported throughout Tobin, such as:

“... Web site pages are dynamically customized in accordance with the participating Internet site’s requirements which may be co-branded, private label or, a program of labeling unique to the participating Web site.” Col. 5, lines 20-23.

“The web site pages of FIGS. 11C-20 are customized with both the PC Flowers & Gifts and the marketing partners brand, Pathfinder.” Col. 9, lines 17-19.

“However, the Web site pages of FIGS. 21C-30 are customized with only the marketing partner’s brand, Pathfinder.” Col. 9, lines 65-67.

In Tobin, both the host company and the participating company are trying to sell products to consumers. Tobin customizes web pages based on the host company and/or the participating company for the sole purpose of taking advantage of brand loyalty. Col. 5, lines 42-45 of Tobin. In other words, Tobin customizes web pages based on *sellers*.

In contrast to Tobin, the claimed invention customizes replies based on consumers (and/or, in some cases, based on other factors or variables), not the entities who are trying to sell financial products and/or services. In other words, the claimed invention customizes replies based on *consumers* (such as, for example, information associated with *consumers*), whereas Tobin customizes web pages based on *sellers* (specifically, any customization by Tobin is limited to the brand names or logos of *sellers*).

This difference is significant. The invention customizes replies based on consumers to enable the consumers to make a more informed decision on whether or not to purchase the offered financial products or services. In contrast, Tobin customizes replies based on sellers to take advantage of brand loyalty. The approach taken by the invention is different, and patentable, over the approach taken by Tobin.

This difference between the invention and Tobin is reflected in the claims. See, for example, claim 1, which states that the replies are “customized for a consumer

entity,” and each of the replies has “consumer entity-customized content.” See claim 1, for example.

There are additional differences between the claims and Tobin. Consider, for example, claim 1, which recites:

preparing one or more replies, each of said replies specific to one of said responses or a subsequent response and customized for a consumer entity associated therewith, each of said replies having consumer entity-customized content *comprising an offering for one or more financial products or services*;

In other words, claim 1 requires that the reply be customized for a consumer. Claim 1 also requires that the reply include an offering for one or more financial products or services.

Tobin does not teach or suggest these features of claim 1. As discussed above, Tobin does not teach or suggest web sites that are customized to consumers. Instead, Tobin teaches web sites that are customers for sellers (i.e., host companies and participating companies). Also, Tobin does not teach or suggest web sites that include offers for financial products or services. Further, any customization performed by Tobin is limited to name branding, i.e., displaying the name of the host or participating company. In contrast, embodiments of the invention specify that the reply is consumer-customized with an offering for a financial product or service (see claim 1, for example).

There are additional differences between the claims and Tobin. Consider, for example, claim 38, which recites:

automatically preparing and communicating one or more follow up replies to at least some of said follow up responses, said follow up replies being customized for consumer entities who sent said follow up responses, until for a given consumer entity follow up replies generate no further follow up responses, or it is determined that no follow up reply is needed.

This element of claim 38 is directed to the “conversational” feature of the invention which enables the back-and-forth exchange with the consumer. This feature is not taught or suggested by Tobin.

Further differences exist between the claims and Tobin. Consider claim 43, which recites:

selecting from among a plurality of consumer entities those consumer entities suitable for receiving a particular type of financial product or service offering;

automatically preparing communications comprising offerings for said particular type of financial product or service or variant thereof to said selected consumer entities;

No where does Tobin teach or suggest these features of claim 43.

There are additional differences between the invention and Tobin. For example, claim 73 recites:

preparing a financial product or financial service specific for a given consumer entity based on information related to said given consumer entity;

wherein said preparing step comprises:

preparing a reply for said given consumer entity, said reply customized for said given consumer entity and comprising an offering for said specific financial product or financial service.

No where does Tobin teach or suggest these features of claim 73.

These deficiencies of Tobin are not solved by Clark, Randle, or Atkins, considered alone or in combination. This is further discussed below.

***Differences Between the Claimed Invention and Clark***

Clark does not solve the deficiencies of Tobin.

Clark appears to teach an interface device for providing users with access to a plurality of financial services. FIG. 15 of Clark shows the types of functions accessible to users. The user can select the “Cash Management” button in FIG. 15 to “create, verify, authorize, modify, delete, and repair cash transactions.” Col. 19, lines 17-19. “After selecting the Cash Management application, the application will present a window (see FIG. 17) to collect information about the transaction the user wants to create.” Col. 19, lines 29-31.

Unlike the claimed invention, Clark does not teach or suggest a Communication-Response-Reply conversational sequence for offering financial products and services to consumers. This conversational sequence is clearly recited in the claims. See, for example, claim 1, which recites “receiving one or more *responses* from one or more consumer entities, said responses being in response to *communications*,” and “preparing one or more *replies*, each of said replies specific to one of said responses or a subsequent response.” See also, for example, claim 38, which recites:

automatically preparing and communicating one or more follow up replies to at least some of said follow up responses, said follow up replies being customized for consumer entities who sent said follow up responses, until for a given consumer entity follow up replies generate no further follow up responses, or it is determined that no follow up reply is needed.

This element of claim 38 is directed to the “conversational” feature of the invention which enables the back-and-forth exchange with the consumer. This feature is not taught or suggested by Clark.

Also, Clark does not teach or suggest generating a reply “customized for a consumer entity” and containing “consumer entity-customized content *comprising an offering for one or more financial products or services*.” See, for example, claim 1.

The Examiner appears to contend that FIGS. 17-19 teach this feature of the claims. Applicant respectfully disagrees for a number of reasons.

For example, no where does Clark teach generating a reply comprising an *offer* for financial products or services. FIG. 17 of Clark does not constitute an offer for a financial product or service. Instead, FIG. 17 is a computer screen for enabling a user to define a cash transaction. This interpretation is clear from the specification of Clark, which states: "After selecting the Cash Management application, the application will present a window (see FIG. 17) *to collect information about the transaction the user wants to create.*" Col. 19, lines 29-31. Thus, Clark provides the user with access to financial services, and allows users to create financial services. However, unlike the invention, Clark does not generate replies containing offers for financial products and services.

Clark does not solve the other deficiencies of Tobin, described above.

The Examiner contends that it is proper to combine Clark with Tobin because there is motivation to "teach an electronic delivery system that provides a customer access to a variety of financial services." Page 3 of the Office Action. However, the invention is not directed to providing a customer with access to a variety of financial services. Instead, the invention is directed to convincing a consumer to buy financial products or services. It is the belief of the inventor that this can be best achieved by having an automated back-and-forth "conversation" with the consumer. During this conversation, the consumer is provided with customized replies containing offerings for financial products and services. Such operation of the invention is analogous to the back-and-forth interaction between a salesperson and a customer. Clearly, Tobin and Clark, considered alone or in combination, do not teach these features of the invention.

#### ***Differences Between the Claimed Invention and Randle***

Randle does not solve the deficiencies of Tobin and Clark.

Randle appears to teach a banking service platform that provides users with access to banking services. Unlike the claimed invention, Randle does not teach or suggest a Communication-Response-Reply conversational sequence for offering financial products and services to consumers. Also, Randle does not teach or suggest generating a reply "customized for a consumer entity" and containing "consumer entity-customized



content *comprising an offering for one or more financial products or services.*” The Examiner is referred to the above discussion of Tobin and Clark for more information regarding these and other distinctions between the invention and Randle.

The Examiner contends that Randle at column 5, lines 32-38 teaches customization. Applicant respectfully disagrees. Randle at this reference states: “The banking service platform 10 is evolvable with the capability to enable a financial institution to create and offer products and services *unique to the financial institution.*” Thus, any customization by Randle is based on the financial institution, not the consumer. This is in contrast to the invention, which customizes based on the consumer.

### ***Differences Between the Claimed Invention and Atkins***

Atkins does not solve the deficiencies of Tobin, Clark, and Randle. The Examiner appears to cite Atkins for its alleged teachings of “the labeled computer communication comprises information about a financial product utilizing the internet.” Applicant respectfully disagrees. Also, unlike the claimed invention, Atkins does not teach or suggest a Communication-Response-Reply conversational sequence for offering financial products and services to consumers. Also, Atkins does not teach or suggest generating a reply “customized for a consumer entity” and containing “consumer entity-customized content *comprising an offering for one or more financial products or services.*” The Examiner is referred to the above discussion of Tobin and Clark for more information regarding these and other distinctions between the invention and Randle.

### ***Summary***

There are a number of differences between the claimed invention and the cited references. Some of these differences, respectively applicable to various of the pending claims, were described above. For at least these reasons, Applicant asserts that claims 1-315 are patentable over Tobin, Clark, Randle, and Atkins, when considered alone or in combination. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection based on Section 103(a), and pass this application to issuance.

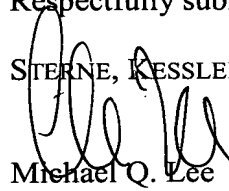
*Conclusion*

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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